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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,274	07/18/2003	Brian Gonsalves	1033-SS00378	2414

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,274

Applicant(s)

GONSALVES ET AL.

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 30 are presently pending presented for examination.

Response to Pre-Appeal Brief Request

2. In response to Pre-Appeal Conference on request by Applicant for pre-appeal brief filed on 8/12/2005, a new ground of rejection has been made to withdraw the finality of the rejection. See the following office section.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 4, 6, 8 – 14, 16, 17, 19 – 26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (Patent Number: US 6477595 B1).

As per claim 1, 10 and 19, Cohen teaches a system comprising:

a first interface to a local area network connection to an end-user computer; a second interface to a wide area network connection to a distributed computer network (Cohen: Column 4 Line 58 – 64 and Figure 1 Element 119);

detection logic responsive to the first interface, the detection logic to detect user inactivity at the end-user computer (Cohen: Column 10 Line 65 – Column 11 Line 3); and

blocking logic responsive to the detection logic, the blocking logic to selectively initiate a blocking signal to disable communications received from the second interface from being sent over the first interface to the end-user computer Column 10 Line 65 – Column 11 Line 3: Examiner interprets the specific conditions detected to issue the stand-by command to release the modem to the free pool as taught by Cohen (Column 10 Line 65 – Column 11 Line 3) is indeed selectively blocking the data communication from WAN to LAN to meet the claim language).

As per claim 2, Cohen further teaches the blocking logic sends the blocking signal in response to the detecting logic detecting the user inactivity for a selected period of time (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 3 and 24, Cohen further teaches the selected period of time is between one and ten minutes (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 4, 16 and 21, Cohen further teaches the selected period of time is a fixed time period (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 6 and 25, Cohen as modified teaches the claimed invention as described above (see claim 1 and 23 respectively). Cohen as modified further teaches the detection logic and the blocking logic is embedded within an auto-sensing Ethernet port (Cohen: for example, Column 10 Line 65 – 67: Examiner notes “an auto-sensing Ethernet port” is interpreted as an Ethernet port integrated with a CP modem as a complete functional entity to automatically facilitate the inactivity detection of the end-user computer (Cohen: Column 10 Line 65 – 67).

As per claim 8, Cohen as modified teaches the claimed invention as described above (see claim 1). Cohen as modified further teaches the distributed computer network is the Internet (Cohen: see for example, Column 1 Line 32 – 40).

As per claim 9, Cohen further teaches the second interface is coupled to an internet service provider (Cohen: see for example, Column 1 Line 60 – 63).

As per claim 11, Cohen further teaches detecting activity from the end-user computer at the routing equipment (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 14 and 29, Cohen further teaches the first local data connection is an Ethernet connection (Cohen: see for example, Column 4 Line 58 – 64 and Figure 1 Element 119).

As per claim 17 and 22, Cohen further teaches the idle time activity threshold is a programmable threshold (Cohen: Column 10 Line 65 – 67).

As per claim 20, Cohen teaches during a second period of time after the first period of time, detecting activity at the first port of the digital subscriber line routing equipment indicating activity at the end-user computer and communicating data received at the second port of the digital subscriber line routing equipment to the first port of the digital subscriber line routing equipment and to the end-user computer (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3).

As per claim 12 and 13, claim 12 and 13 do not further teach over claim 20. Therefore, see same rationale addressed above in rejecting claim 20.

As per claim 23 and 26, the claim limitations are met as the same reasons set forth in the paragraph above regarding to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 18 and 27 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (Patent Number: 6477595), in view of Evans (Patent Number: 6807666).

As per claim 5 and 18, Cohen teaches the selected period of time is TBD minutes, may be one minute (Cohen: Column 10 Line 65 – 67). However, Cohen does not disclose expressly is determined by a user of the end-user compute).

Evans teaches the selected period of time is determined by a user of the end-user computer (Evans: Column 5 Line 29 – 32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Evans within the system of Cohen because Evans teaches provides improved methods and arrangements for use in multiple user computing environments, which can be configured to allow for a plurality of separate and concurrent desktops and workspaces within the shared computing environment (Evans: Column 1 Line 60 – 64).

As per claim 27 and 28, Cohen does not disclose expressly detecting resumed activity from at least one of more of the plurality of end-user computers previously in an inactive state.

Evans teaches detecting resumed activity from at least one of more of the plurality of end-user computers previously in an inactive state (Evans: Column 5 Line 25 – 28). See the same rationale of combination as addressed above in rejecting claim 5.

5. Claims 7, 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (Patent Number: US 6477595 B1), in view of Gerszberg (Patent Number: US 6510152 B1).

As per claim 7, 15 and 30, Cohen teaches point to point protocol used. However, Cohen does not disclose expressly the wide area network is a digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic.

Gerszberg teaches the wide area network is a digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic (Cohen: see for example, Column 21 Line 38 – 42 and Column 19 Line 24 – 29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gerszberg within the system of Cohen because Gerszberg teaches an improved network such as Ethernet transported over DSL modems by providing higher bandwidth, improving the CPE capabilities and

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lowering overall system costs to the customer (Gerszberg: see for example, Column 1 Line 27 – 30 and Column 2 Line 40 – 43).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Longbit Chai
Examiner
Art Unit 2131



LBC



AYAZ SHEIKH
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application Number 	Application/Control No. 10/623,274 Ayaz Sheikh	Applicant(s)/Patent under Reexamination GONSALVES ET AL. Art Unit 2131
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 08/09/2005.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☐ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☒ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

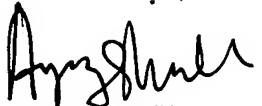
All participants:

(1) Gilberto Barron Jr.

(2) Ayaz Sheikh

(3) Longbit Chai

(4) _____.


 AYAZ SHEIKH
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100